

IN THE UNITED STATES

**PATENT AND TRADEMARK OFFICE**

**Declaration and Power of Attorney**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR DETERMINING THE PRESENCE OF THE USER BY A TELECOMMUNICATION TERMINAL** the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and

amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

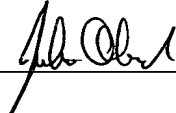
Brian K. Dinicola (Reg. No. 36,122)

Paul Gardon (Reg. No. 48,761)

David Volejnicek (Reg. No. 29,355)

I hereby appoint the attorney(s) on ATTACHMENT A as associate attorney(s) in the aforementioned application, with full power solely to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected with the prosecution of said application. No other powers are granted to such associate attorney(s) and such associate attorney(s) are specifically denied any power of substitution or revocation.

Full name of 1<sup>st</sup> inventor: **Julian James Orbach**

Inventor's signature  Date 12-Mar-2004

Residence: **Macquarie Park, New South Wales, Australia**

Citizenship: **Australia and United Kingdom**

Post Office Address: **6/46 Fontenoy Road  
Macquarie Park, NSW 2113  
Australia**

ATTACHMENT A

Attorney Name(s):      John C. Moran              Reg. No. 30782

Telephone calls should be made to John C. Moran, Attorney, P.C. at:

Phone No.: (303) 450-9926

Fax No.: (303) 920-9113

All written communications are to be addressed to:

John C. Moran, Attorney, P.C.

4120 E. 115<sup>th</sup> Place

Thornton, CO 80233

REQUEST FOR AUTHORIZATION TO USE AVAYA PATENT PROSECUTION  
DEPOSIT ACCOUNT IN THE USPTO

Firm: John C. Moran, Attorney, P.C.

Attorney authorized to use account:

John C. Moran  
Name

30,782  
Reg. No.

---

Do Not fill In Below

The above named firms and attorneys are ~~authorized~~ not authorized to use  
Avaya Deposit Account No. 501602 as of 10/3/01  
(Date)

10/3/01  
Date

[Signature]  
Avaya Outside Counsel Coordinator